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Tatsuo Ito

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OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.  
1940 DUKE STREET  
ALEXANDRIA, VA 22314

EXAMINER

RUST, ERIC A

ART UNIT

PAPER NUMBER

2625

NOTIFICATION DATE

DELIVERY MODE

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ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentdocket@oblon.com  
oblonpat@oblon.com  
jgardner@oblon.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/589,236	<b>Applicant(s)</b> ITO ET AL.	
	<b>Examiner</b> ERIC A. RUST	<b>Art Unit</b> 2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 16 September 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 15-62 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 15-62 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 August 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>08/14/2006; 06/04/2008; 09/08/2009</u> .                      | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. In the Response to Election/Restriction requirement filed on September 16, 2009, Applicants elected, without traverse, Species II, corresponding to claims 15-62.

### ***Priority***

2. Acknowledgment is made of Applicants' claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copies of Application Numbers 2005-362345, 2005-362344, 2005-355737, 2005-077645, 2004-371396, 2004-371398, respectively filed in the Japanese Patent Office on, 12/15/2005, 12/15/2005, 12/09/2005, 03/17/2005, 12/22/2004, and 12/22/2004, have been received by the Office.

### ***Claim Objections***

3. Claims 15, 19, 33, 34, 41, and 45 are objected to because of the following informalities:

**In regard to claim 15**, "by taking place of the image handling apparatus," recited in lines 6-7, appears to be a typographical error. The Examiner recommends amending the claim to recite "by taking the place of the image handling apparatus."

**In regard to claim 19**, "the function controlling part," recited in line 5, has no antecedent basis. The Examiner recommends amending the claim to recite "the one or more function controlling parts."

**In further regard to claim 19**, “the external processing part,” recited in lines 7-8, has no antecedent basis. The Examiner recommends amending the claim to recite “the external processing apparatus.”

**In regard to claim 33**, “online,” recited in line 3, and “offline” recited in line 7 appear to be typographical errors. The Examiner recommends amending the claim to recite “online state,” and “offline state,” respectively.

**In regard to claim 34**, “the image handling process,” recited in line 4, has no antecedent basis. The Examiner recommends amending the claim to recite “an image handling process.”

**In regard to claim 34**, “concerning to a service,” recited in line 7, appears to be a typographical error. The Examiner recommends amending the claim to delete the word “to.”

**In regard to claim 45**, the claim depends from itself. The Examiner recommends amending the claim to depend from claim 41, and the Examiner will interpret it as such.

**In further regard to claim 45**, “the function controlling part,” recited in lines 6-7, has no antecedent basis. The Examiner recommends amending the claim to recite “the at least one function controlling part.”

***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 18-21, 28-37, 44-47, and 54-59 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

**In regard to claims 18, 36, 44, 58,** the recitation “wherein the image handling apparatus comprises a requesting part requesting at least a part of the image handling process to the controlling part,” recited in claims 18, 36, 44 and 58 is unclear, rendering the claims indefinite. For examination purposes, the Examiner will interpret these recitations to mean that the image handling apparatus sends a request to the controlling part so that the external processing apparatus will complete at least a part of the image processing.

**In regard to claims 19 and 45,** the recitation “wherein the software is implemented in the external processing part as at least a part of the image handling process,” recited in claims 19 and 45 is unclear, rendering the claims indefinite. For examination purposes, the Examiner will interpret these recitations to mean that software is located in the external processing part.

**In regard to claims 28 and 54,** the recitation “wherein the external processing apparatus provides a user interface of the controlling part to the requesting part,” recited in claims 28 and 54 is unclear, rendering the claims indefinite. For examination purposes, the

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Examiner will interpret these recitations to mean that a user interface is provided to the user.

**In regard to claim 30**, the recitation “wherein when the image handling apparatus and the external processing apparatus are in an offline state, the image handling apparatus reads out a file for building up the controlling part from a storage area included in the image handling apparatus, builds up the controlling part in the image handling apparatus, and controls the function when a request is made to the controlling part built in the image handling apparatus,” is not clearly understood rendering the claim indefinite. For example, it is unclear how, if the image handling apparatus is in an offline state, the image handling apparatus reads out a file for building up the controlling part from a storage area included in the image handling apparatus. Moreover, it is unclear how a request can be made to the controlling part in the external processing apparatus if the external processing apparatus is in an offline state. Further, the Examiner is unable to determine what it means to “build[] up the controlling part.”

For examination purposes, the Examiner will interpret claim 30 to simply mean that a file for performing a function is updated in the image handling apparatus.

**In regard to claim 31**, the recitation “wherein while the image handling apparatus and the external processing apparatus are in an online state, a file for building up the controlling part is transferred from the external processing apparatus to the storage area,” is not clearly understood rendering the claim indefinite. For example, it is unclear what it means to build up a controlling part.

For examination purposes, the Examiner will interpret claim 31 to simply mean that a file for performing a function is updated in the image handling apparatus.

**In regard to claim 32**, the recitation “wherein while the image handling apparatus and the external processing apparatus are in an off line state, at least a part of the user interface of the controlling part is transferred from the external processing apparatus to a storage area, at least the part of the user interface of the controlling part read out from the storage area is provided to the requesting part,” is not clearly understood rendering the claim indefinite. For example, it is unclear what it means to have at least a part of the user interface of the controlling part to be transferred. Moreover, it is unclear what it means to have at least the part of the user interface of the controlling part read out from the storage area be provided to the requesting part.

For examination purposes, the Examiner will interpret claim 32 to simply mean that a file for performing a function is updated in the image handling apparatus, and that an option for using the updated function is provided to the user.

**In regard to claim 33**, the recitation “wherein while the image handling apparatus and the external processing apparatus are in an online, the function is controlled when a request is made to the controlling part built in the external processing apparatus, and while the image handling apparatus and the external processing apparatus are in an offline, the function is controlled when a request is made to the controlling part built in the image handling apparatus,” is not clearly understood rendering the claim indefinite. For example,

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the controlling part is part of the external processing apparatus, so it is unclear how a request can be made to the controlling part in the image handling apparatus.

For examination purposes, the Examiner will interpret claim 33 to simply mean that if the external processing apparatus is in an online state, a function is completed at the external processing apparatus, and if the external processing apparatus is in an offline state, a function is completed at the image handling apparatus.

**In regard to claims 34 and 56**, “wherein at least apart of the image handling process is allowed to be controlled by the external processing apparatus taking a place of the image handling apparatus,” recited in claims 34 and 56 is not clearly understood rendering the claim indefinite. For example, the Examiner does not know what it means to have at least apart of an image handling process being allowed to be controlled by the external processing apparatus taking a place of the image handling apparatus. For examination purposes, the Examiner will interpret this recitation to mean that at least apart of the image handling process is conducted at the external processing apparatus.

The remaining claims are rejected for depending on rejected claims.

### ***Claim Rejections - 35 USC § 101***

6. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.



Claims 40 and 62 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

**In regard to claims 40 and 62**, the claims define a program product, embodying functional descriptive material (i.e., code). However, the claims do not define a non-transitory “computer-readable medium or computer-readable memory” and are thus non-statutory for that reason. When functional descriptive material is recorded on some non-transitory computer-readable medium it becomes structurally and functionally interrelated to the medium and will be statutory in most cases since use of technology permits the function of the descriptive material to be realized. The scope of the presently claimed invention encompasses products that are not necessarily computer readable, and thus NOT able to impart any functionality of the recited program.

Note:

“A transitory, propagating signal ... is not a “process, machine, manufacture, or composition of matter.” Those four categories define the explicit scope and reach of subject matter patentable under 35 U.S.C. § 101; thus, such a signal cannot be patentable subject matter.” (In re Nuijten, 84 USPQ2d 1495 (Fed. Cir. 2007)). Should the full scope of the claim as properly read in light of the disclosure encompass non-statutory subject matter such as a “signal”, the claim as a whole would be non-statutory. Should the applicant’s specification define or exemplify the computer readable medium or memory (or whatever language applicant chooses to recite a computer readable medium equivalent) as statutory tangible products such as a hard drive, ROM, RAM, etc, as well as a non-statutory entity such as a “signal”, “carrier wave”, or “transmission medium”, the examiner suggests

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amending the claim to include the disclosed tangible computer readable storage media, while at the same time excluding the intangible transitory media such as signals, carrier waves, etc.

Merely reciting functional descriptive material as residing on a “tangible” or other medium is not sufficient. If the scope of the claimed medium covers media other than “computer readable” media (e.g., “a tangible media”, a “machine-readable media”, etc.), the claim remains non-statutory. The full scope of the claimed media (regardless of what words applicant chooses) should not fall outside that of a computer readable medium.

### ***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 15-29 and 34-62 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication No. 2004/0193717 A1 to Tajima et al. (hereinafter, Tajima), in view of U.S. Patent Application Publication No. 2004/0160630 A1 to Iriyama et al. (hereinafter, Iriyama). Tajima was cited in the IDS filed by Applicants on June 04, 2008.

**In regard to claims 15 and 41**, Tajima discloses a system using services (**Tajima, Fig. 1, and Abstract**) in which an image handling apparatus (**Tajima, Fig. 1, item 61**) and

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an external processing apparatus (**Tajima, Fig. 1, item 50**) are connected through a network (**Tajima, Fig. 1, item 5**), wherein:

said image handling apparatus comprises a function which is controlled by said image handling process (**Tajima, [0083], lines 1-7**), wherein the function is controlled at a trigger of receiving a request sent from the controlling part (**Tajima, [0083], lines 1-7, processing request**).

Tajima does not disclose said external processing apparatus comprises a controlling part conducting at least a part of an image handling process concerning a service by taking place of the image handling apparatus.

Iriyama, however, discloses said external processing apparatus comprises a controlling part (**Iriyama, Fig. 1, CPU of item 3**) conducting at least a part of an image handling process concerning a service by taking place of the image handling apparatus (**Iriyama, [0051], lines 1-6**).

It would have been obvious to one of ordinary skill in the art at the time of the invention to use the teachings of Iriyama with the teachings of Tajima for having an external processing apparatus comprising a controlling part conducting at least a part of an image handling process concerning a service by taking place of the image handling apparatus in order to have a friendly and less difficult system (**Iriyama, [0015], lines 8-9**), as well as improve user operability (**Iriyama, [0032], lines 4-5**).

**In regard to claims 34 and 56**, Tajima discloses an image handling apparatus (**Tajima, Fig. 1, item 61**) connectable to an external processing apparatus (**Tajima, Fig. 1, item 50**) through a network (**Tajima, Fig. 1, item 5**), said image handling apparatus

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comprising a function which is controlled by the image handling process concerning a service, and the function is controlled when a request is received from the external processing apparatus (**Tajima, [0083], lines 1-7, processing request**).

Tajima does not disclose wherein at least apart of the image handling process is allowed to be controlled by the external processing apparatus taking a place of the image handling apparatus.

Iriyama, however, discloses wherein at least apart of the image handling process is allowed to be controlled by the external processing apparatus taking a place of the image handling apparatus (**Iriyama, [0051], lines 1-6, see 112 2<sup>nd</sup> rejection above**).

It would have been obvious to one of ordinary skill in the art at the time of the invention to use the teachings of Iriyama with the teachings of Tajima for having at least apart of the image handling process is allowed to be controlled by the external processing apparatus taking a place of the image handling apparatus in order to have a friendly and less difficult system (**Iriyama, [0015], lines 8-9**), as well as improve user operability (**Iriyama, [0032], lines 4-5**).

**In regard to claims 38 and 60**, Tajima discloses an external processing apparatus (**Tajima, Fig. 1, item 50**) connectable to an image handling apparatus (**Tajima, Fig. 1, item 61**) through a network (**Tajima, Fig. 1, item 5**), said external processing apparatus comprising:

a controlling part (**Tajima, Fig. 1, CPU of item 50**) that requests the image handling apparatus to control a function included in the image handling apparatus in which the

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function is controlled by the image handling process (**Tajima, [0083], lines 1-7, processing request**).

Tajima does not disclose the controlling part (**Tajima, Fig. 1, CPU of item 50**) controlling at least a part of an image handling process concerning a service by taking a place of the image handling apparatus.

Iriyama, however, discloses an external processing apparatus (**Iriyama, Fig. 1, item 3**) controlling at least a part of an image handling process concerning a service by taking a place of the image handling apparatus (**Iriyama, [0051], lines 1-6**).

It would have been obvious to one of ordinary skill in the art at the time of the invention to use the teachings of Iriyama with the teachings of Tajima for having an external processing apparatus controlling at least a part of an image handling process concerning a service by taking a place of the image handling apparatus in order to have a friendly and less difficult system (**Iriyama, [0015], lines 8-9**), as well as improve user operability (**Iriyama, [0032], lines 4-5**).

**In regard to claims 40 and 62**, Tajima discloses a program product causing an external processing apparatus as a computer to conduct a service (**Tajima, Fig. 1, item 50, and [0083], lines 1-7, the program is inherent**), the external processing apparatus connectable to an image handling apparatus (**Tajima, Fig. 1, item 61**) through a network (**Tajima, Fig. 1, item 5**), said program product comprising the code:

wherein a controlling part requests the image handling apparatus to control a function implemented in the image handling apparatus in which the function is controlled by the image handling process (**Tajima, [0083], lines 1-7, processing request**).

Tajima does not disclose the external processing apparatus having code for functioning as a controlling part for conducting at least a part of an image handling process concerning a service by taking a place of the image handling apparatus.

Iriyama, however, discloses an external processing apparatus (**Iriyama, Fig. 1, item 3**) controlling at least a part of an image handling process concerning a service by taking a place of the image handling apparatus (**Iriyama, [0051], lines 1-6**).

It would have been obvious to one of ordinary skill in the art at the time of the invention to use the teachings of Iriyama with the teachings of Tajima for having an external processing apparatus controlling at least a part of an image handling process concerning a service by taking a place of the image handling apparatus in order to have a friendly and less difficult system (**Iriyama, [0015], lines 8-9**), as well as improve user operability (**Iriyama, [0032], lines 4-5**).

**In regard to claims 16, 35, 39, 42, 57, and 61**, which depend from claims 15, 34, 38, 41, 56, and 60, respectively, Tajima discloses wherein the image handling apparatus comprises a service providing part (**Tajima, Fig. 1, CPU of item 61**) allowing an external control to control the function, wherein the image handling process is conducted by externally controlling the function (**Tajima, [0082], lines 1-6, and [0083], lines 1-7, item 50 in Fig. 1 controls the operation of the function through the service processing request**).

**In regard to claims 17 and 43**, which depend from claims 16 and 42, respectively, Tajima discloses wherein the external processing apparatus controls the function by using

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the service providing part (**Tajima, [0082], lines 1-6, and [0083], lines 1-7, item 50 in Fig. 1 controls the operation of the function through the service processing request**).

Neither Tajima nor Iriyama specifically disclose that this control is based on a request received from the image handling apparatus.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Iriyama and Tajima to have the control be based on a request received from the image handling apparatus. The motivation would be so that if the image handling apparatus cannot perform a function, the image handling apparatus would request help (i.e., request that the external processing apparatus control the function by using the service providing part). This would ensure continuous data processing without the need for user intervention.

**In regard to claims 18, 36, 44, and 58**, which depend from claims 15, 35, 41, and 57, respectively, Iriyama discloses wherein the image handling apparatus comprises a requesting part (**Iriyama, Fig.1, CPU of item 1**) requesting at least a part of the image handling process to the controlling part (**Iriyama, [0015], lines 8-9, since part of the image processing is being done at the server, a request to perform the image processing from item 1 would have to be included**).

**In regard to claims 19 and 45**, which depend from claims 15 and 41 (see objection to claim 45 above), respectively, Tajima discloses wherein the image handling process is realized by one or more function controlling parts (**Tajima, Fig. 1, CPU of item 61**) controlling the function (**Tajima, [0082], lines 1-6, and [0083], lines 1-7**), a service

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providing part (**Tajima, Fig. 1, CPU of item 61**) allowing an external control to control the function controlling part (**Tajima, [0082], lines 1-6, and [0083], lines 1-7, item 50 in Fig. 1 controls the operation of the function through the service processing request**), and software externally controlling the function controlling part wherein the software is implemented in the external processing part as at least a part of the image handling process (**Tajima, [0082], lines 1-6, and [0083], lines 1-7, software of item 50 in Fig. 1 creates processing request and therefore controls the operation of the function through the service processing request**).

**In regard to claims 20 and 46**, which depend from claims 18 and 44, respectively, Tajima discloses wherein the requesting part includes an executing part capable of executing at least a part of the image handling process (**Tajima, [0083], lines 1-7, the requesting part and executing part would both be internal to the CPU of item 61 in Fig. 1**).

**In regard to claims 22 and 48**, which depend from claims 15 and 41, respectively, Tajima discloses wherein the image handling apparatus comprises:

a service providing part capable of internally controlling the function, and a requesting part controlling the function by using the service providing part (**Tajima, [0083], lines 1-7, the service providing part and the requesting part would both be internal to the CPU of item 61 in Fig. 1**).



**In regard to claims 24 and 50**, which depend from claims 15 and 41, respectively, Tajima discloses wherein the controlling part allows a plurality of functions to cooperate with each other (**Tajima, Abstract**).

**In regard to claims 25 and 51**, which depend from claims 24 and 50, respectively, Iriyama discloses wherein the controlling part allows one function implemented in one image handling apparatus and another function implemented in another image handling apparatus to cooperate with each other (**Iriyama, [0050], lines 7-11**).

**In regard to claims 26 and 52**, which depend from claims 15 and 41, respectively, Iriyama discloses wherein one controlling part (**Iriyama, CPU of item 1 in Fig. 1**) implemented in one external processing apparatus (**Iriyama, Fig. 1, item 1**) and another controlling part (**Iriyama, CPU of item 2 in Fig. 1**) implemented in another external processing apparatus (**Iriyama, Fig. 1, item 2**) are cooperated with each other (**Iriyama, [0050], lines 7-11**).

**In regard to claims 27 and 53**, which depend from claims 15 and 41, respectively, Tajima discloses wherein a terminal apparatus (**Tajima, Fig. 1, item 10**) comprising a requesting part (**Tajima, Fig. 1, CPU of item 10**) requesting at least one part of the image handling process to the controlling part (**Tajima, [0080], lines 1-4**) is connected to the image handling process and the external processing part through the network (**Tajima, see Fig. 1 for connection information, network is item 5 in Fig. 1**).

**In regard to claims 28 and 54**, which depend from claims 18 and 44, respectively, Iriyama discloses wherein the external processing apparatus provides a user interface of the controlling part to the requesting part (**Iriyama, Fig. 4, item 4, and [0069], lines 1-3**).

**In regard to claims 29 and 55**, which depend from claims 28 and 54, respectively, Iriyama discloses wherein the image handling apparatus further comprises a updating part (**Iriyama, CPU of item in Fig. 1**) requesting the controlling part to update the user interface (**Iriyama, Fig. 4, item 4, and [0069], lines 1-3, and [0072], lines 1-8**).

**In regard to claims 37 and 59**, which depend from claims 36 and 58, respectively, Iriyama discloses wherein the requesting part includes identification of data required for the image handling process in a request and sends the request to the external processing apparatus, and the service providing part uses data corresponding to the identification included in the request received from the external processing apparatus, and controls the function (**Iriyama, [0050], lines 1-6, since image data is being sent from item 1 in Fig. 1 to item 3 in Fig. 1 for processing, the above limitations are inherent**).

**In regard to claims 21, 23, 47, and 49**, which depend from claims 20, 17, 46 and 43, respectively, neither Tajima nor Iriyama specifically disclose wherein the requesting part requests at least the part of the image handling process to the external processing apparatus through another external processing apparatus; or wherein the external processing apparatus controls the function by using the service providing part through another external processing apparatus.

It would have been an obvious matter of design choice for the requesting part to request at least the part of the image handling process to the external processing apparatus through another external processing apparatus; and for the external processing apparatus to control the function by using the service providing part through another external processing apparatus since applicant has not disclosed that this difference solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with the difference.

9. Claims 30-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tajima and Iriyama in view of U.S. Patent Application Publication No. 2004/0239975 A1 to Kawaura et al. (hereinafter, Kawaura). Kawaura was cited in the IDS filed by Applicants on June 04, 2008.

**In regard to claim 30**, which depends from claim 15, neither Tajima nor Iriyama discloses wherein when the image handling apparatus and the external processing apparatus are in an offline state, the image handling apparatus reads out a file for building up the controlling part from a storage area included in the image handling apparatus, builds up the controlling part in the image handling apparatus, and controls the function when a request is made to the controlling part built in the image handling apparatus.

Kawaura, however, discloses wherein when the image handling apparatus and the external processing apparatus are in an offline state, the image handling apparatus reads out a file for building up the controlling part from a storage area included in the image handling apparatus, builds up the controlling part in the image handling apparatus, and

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controls the function when a request is made to the controlling part built in the image handling apparatus (**Kawaura, Abstract, see 112 2<sup>nd</sup> rejection for Examiner interpretation of this claim**).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Kawaura with the teachings of Iriyama and Tajima for when the image handling apparatus and the external processing apparatus are in an offline state, the image handling apparatus reads out a file for building up the controlling part from a storage area included in the image handling apparatus, builds up the controlling part in the image handling apparatus, and controls the function when a request is made to the controlling part built in the image handling apparatus in order to improve the reliability of an update program (**Kawaura, [0019], lines 5-7**).

**In regard to claim 31**, which depends from claim 30, Kawaura discloses wherein while the image handling apparatus and the external processing apparatus are in an online state, a file for building up the controlling part is transferred from the external processing apparatus to the storage area (**Kawaura, Abstract, see 112 2<sup>nd</sup> rejection for Examiner interpretation of this claim**).

**In regard to claim 32**, which depends from claim 28, Kawaura discloses wherein while the image handling apparatus and the external processing apparatus are in an off line state, at least a part of the user interface of the controlling part is transferred from the external processing apparatus to a storage area, at least the part of the user interface of the

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controlling part read out from the storage area is provided to the requesting part (**Kawaura, Abstract, see 112 2<sup>nd</sup> rejection for Examiner interpretation of this claim**).

**In regard to claim 33**, which depends from claim 30, neither Tajima, Iriyama, nor Kawaura specifically disclose wherein while the image handling apparatus and the external processing apparatus are in an online, the function is controlled when a request is made to the controlling part built in the external processing apparatus, and while the image handling apparatus and the external processing apparatus are in an offline, the function is controlled when a request is made to the controlling part built in the image handling apparatus.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Tajima, Iriyama, and Kawaura so that while the image handling apparatus and the external processing apparatus are in an online, the function is controlled when a request is made to the controlling part built in the external processing apparatus, and while the image handling apparatus and the external processing apparatus are in an offline, the function is controlled when a request is made to the controlling part built in the image handling apparatus in order to ensure that data processing is still completed even though the external processing apparatus is in an offline state.

### ***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure and is as follows:

Shima, U.S. Patent Application Publication No. 2002/0004802 A1, teaches exchanging information between a client and a server.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to ERIC A. RUST whose telephone number is (571)-270-3380. The examiner can normally be reached on Monday - Friday, 8:00 a.m. - 5:00 p.m., EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Benny Tieu can be reached on (571)-272-7490. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/ERIC A. RUST/

Examiner, Art Unit 2625

10/06/2009

/Benny Q Tieu/  
Supervisory Patent Examiner, Art Unit 2625